

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN PETEREC-TOLINO,

Plaintiff,

24-cv-6911 (JGK)

- against -

ORDER

PENNROSE, LLC, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

To allow the plaintiff, who is proceeding in forma pauperis, to effect service on the defendant added by the Second Amended Complaint, see ECF No. 32, through the U.S. Marshals Service, the Clerk of Court is instructed to send the plaintiff one U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Defendant U.S. Fish & Wildlife Service. The Court construes the plaintiff's March 12, 2025 letter as having voluntarily dismissed the claims against the Department of the Interior and therefore that defendant should be terminated. Within 30 days of this order, the plaintiff must complete a USM-285 form for Defendant U.S. Fish & Wildlife Service and return that form to the Court.

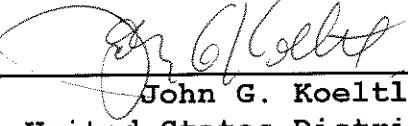
Upon receipt of the completed USM-285 form, the Clerk of Court shall issue a summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon the defendant.

The plaintiff must effect service within 90 days of the date the summons is issued. It is the plaintiff's responsibility to inquire of the Marshals Service as to whether service has been made and if necessary, to request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012). If within 90 days of issuance of the summons, the plaintiff has not made service or requested an extension of time in which to do so, under Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute. Finally, it is the plaintiff's obligation to promptly submit a written notification to the Court if the plaintiff's address changes, and the Court may dismiss the action if the plaintiff fails to do so.

The Clerk is respectfully directed to mail a copy of this Order to the pro se plaintiff and to note mailing on the docket.

SO ORDERED.

Dated: New York, New York
 March 19, 2025


John G. Koeltl
United States District Judge